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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,989	04/30/2001	Gerald G. Giraldi	GIRALDI-1	1395

7590 09/16/2002  
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EXAMINER
DUONG, THANH P

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 09/16/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/844,989

Applicant(s)

GIRALDI, GERALD G.

Examiner

Tom P Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☒ Claim(s) 15 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. It is noted that this application was filed with 22 claims, in as much as the original claims contain two claims numbered 15 and 16. Accordingly claims starting with the second claim "15" have been renumbered 17-22.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. The specification discloses "the radius of curvature R2 is preferably between six inches and one hundred inches (See Page 13, lines 18-19) and the radius of curvature R3 is also preferably between six inches and one hundred inches (See Page 14, lines 7-8). These ranges appear to be unusually large and Applicant is required to confirm the range.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3-4 and 6-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claims 3, 9, 11, 14, 15, 17, it is not clear what

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it means by "twisted around the mid-line", "twisted in along a path", "twisted about said mid-line", and "twisted around said mid-line"; thus, it renders the claim vague and indefinite. With respect to claims 8, 13, and 18 it is not clear what it means by "...front surface does not conform ...an opposite rear surface does not conform..." With respect to claims 4 and 12, it is not clear as how the radius of curvature is measured relative to the rest of the putter head to obtain a range between 54 and 90 inches and its criticality; thus, the claims are vague and indefinite. Here it is understood that the radius of curvature is interpreted as the bulge of the striking face.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9, 11-14, 16-19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuff (5,505,450) in view of Turner (5,322,285). With respect to claims 1 and 6, Stuff discloses a putter head comprising: a putter body (70) having a toe end, a heel end, and a face surface (72), and a non-metallic insert on the striking face (73). Stuff does not disclose a putter body with a face surface having a loft angle varied from the heel end to the toe end. However, Turner discloses a putter head having a face surface that has loft angles (1.25°, 2.75°, 4.25°) configuration that varies between the heel and toe end (Fig. 7). Turner discloses such surface with varying loft angles from heel to toe end allow a golfer to determine how the flight distance and it desirable path can be obtained due to its location of impact surface. Thus,

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it would have been obvious in view of Turner to one having ordinary skill in the art to modify the main body of Stuff to include a striking surface of Turner to have a golf club with varies face loft angles between the heel and toe in order to allow a golfer to determine how the flight distance and it desirable path can be obtained due to its location of impact surface. With respect to claim 3, it appears that the putter of Stuff <sup>has</sup> ~~can have~~ an imaginary mid-line extended along the center of the face from the heel to toe end. With respect to claim 4, it is inherent that the putter of Stuff has a radius of curvature and such range 54-90 inches is also obvious in Stuff's putter. With respect to claim 5, Stuff shows on Figures 14-16 that the insert has varying thickness along the mid-line. With respect to claim 7, the maximum loft angle under USGA requirement is ten degrees or less; thus, it would have been obvious that any putter's manufacture to fabricate the putter with any optimum loft angle just as long as it comply with USGA requirement. With respect to claim 8, Stuff shows on Figures 14-16 as best understood by the Examiner that the insert or 110, 220, and 130 have different front loft angles and its rear surface is straight so the loft angle of the front surface inherently does not conform to the loft angle of the rear surface. With respect to claim 9, it is obvious that the putter of Stuff can have a rear surface twisted, as best understood by Examiner, along a dissimilar path from the front surface. With respect to claim 11, Turner shows on Figure 5 a putter having a shaft (2) and a handle grip (1) and the rest of the limitations are described in claims 1-9 above, and are rejected for the same reasons as applied above. Claims 12, 13, 14, 16, 17, 18, and 19 disclose limitations similar to claims 4, 8, 9, 5, 1-3, 8, and 9, respectively. With respect to claims 22, USGA requires the striking surface insert having a minimum value of 90 Shore A hardness; thus, it is

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inherent that the golf putter of Turner and Stuff must have a surface hardness value at least 90 Shore A.

5. Claims 10, 15, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied in claims 1-9, 11-14, 16-19 and 22, and further in view of Viollaz et al. (5,310,185) and Werner et al. (6,319,150). With respect to claims 10, 15, 20, and 21, the prior art does not disclose the rear surface of the insert having a plurality of sections and each section has its own radius of curvature. However, Viollaz et al. shows a convex insert 18 molded to the striking face and this insert provides a resilient surface which increases the restitution and absorb shock; thus increasing the flight distance. Werner et al. shows on Figure 9 the honeycomb structure face is curved having a front 87 and rear skin 88 to reduce mass in the face to optimize the center of gravity, and the rear surface has a plurality of sections with changing thickness; therefore, each section has its own radius of curvature. Thus, it would have been obvious in view Viollaz and Werner of one having ordinary skill in the art to modify the putter the prior art to having an insert of Viollaz and plurality of sections of Werner to provide a putter head with increases the restitution and absorb shock, and optimize the center of gravity.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom P Duong whose telephone number is (703) 305-4559. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell can be reached on (703) 308-2126. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7768 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-4148.

Tom Duong  
September 11, 2002



Paul T. Sewell  
Supervisory Patent Examiner  
Group 3700